covering the cylindrical bush, the cylindrical ring, and the spring with a cover mounting projection; and

sealing the cylindrical bush, the cylindrical ring, and the spring in the cover mounting projection.

10. (Amended) The button cover holding mechanism formed by the process of claim 8 wherein the step of inserting the cylindrical bush includes the [steps] step of:

positioning the cylindrical bush toward a projection bar of the body [; and

inserting the cylindrical bush into the reception guide rail of the body].

REMARKS

Claims 1, 3, 8, and 10 are amended. Claims 1-13 are pending in the present application.

In the Office Action, the specification was objected to as to the phrase "telephone circuitry including a plurality of buttons for use thereof" in claim 3. The application as filed describes a button cover holding mechanism for a portable telephone, in which the "portable telephone includes a body 10 and a button cover 11" (Specification, page 6, lines 5-6). It is respectfully submitted that, in the prior art, portable

telephones having button covers also have telephone circuitry with a plurality of buttons *per se*, and so such telephone circuitry with a plurality of buttons is sufficiently disclosed in the application as filed.

Claim 3 has been amended to recite such telephone circuitry with a plurality of buttons in the preamble as prior art which is not claimed, and so it is respectfully submitted that the specification provides proper antecedent basis for the claimed subject matter. Accordingly, reconsideration of the objection is respectfully requested.

In the Office Action, claims 1-13 were rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 5,257,310 to Takagi et al. (the '310 patent) and U.S. Patent No. 5,335,273 to Takagi et al. (the '273 patent).

The '310 patent recites a portable telephone having a cover 14 rotatable mounted to a cover body 2. The cover 14 has circular holes 29 which are aligned with circular holes 20 of the cover body 2. In a first embodiment (FIG. 3 of the '310 patent), shafts 24 are press-fitted in the circular holes 20, 29 to rotatably mount the cover 14 to the cover body 2. In a second embodiment (FIG. 7 of the '310 patent), cylindrical members 32 with pipe shafts 30 fixedly inserted therein rotatably mount the

cover 14 to the cover body 2. A wave cam 40 is formed at an inner end of each pipe shaft 30, with the wave cams engaging a spring member 38 provided with the cover body 2 for controlling the rotational operation of the cover 14 with respect to the cover body 2.

The '273 patent recites substantially the same portable telephone as in the '310 patent, as well as an embodiment having a cover 14' with circular cavities 36a for mounting a mounting portion 36 biased by a coil spring 50 to project a short shaft 42 outside the cavity 36a.

As to claim 1, the '310 patent does not disclose or suggest a button cover holding mechanism of a portable telephone including, inter alia, a body with an elongated reception guide rail formed therein, and a cylindrical ring inserted into the elongated reception guide rail of the body with a restoring force of a spring fitting the cylindrical ring in the elongated reception guide rail, as in the subject matter claimed in claim 1. The '310 patent also does not disclose or suggest a cylindrical bush includes wave projections, with a projection bar of the body in contact with the wave projections to directly apply the restoring force of the spring to the cylindrical bush, as in the subject matter claimed in claim 1.

As to claim 3, the '310 patent does not disclose or suggest a portable telephone having, inter alia, a body having an elongated reception guide rail and a projection bar, a button cover holding mechanism including a ring positioned in the elongated reception guide rail, and a resilient member for applying a restoring force for fitting the ring in the elongated reception guide rail, as in the subject matter claimed in claim 3.

As to claim 8, the '310 patent does not disclose or suggest a button cover holding mechanism of a portable telephone formed by a process including, inter alia, the steps of inserting a cylindrical ring into an elongated reception guide rail of the body, and inserting a spring into the circular holes to apply a restoring force to the cylindrical ring to fit the cylindrical ring into the elongated reception guide rail, as in the subject matter claimed in claim 8.

One having skill in the art would not look to the '310 patent for the elongated reception guide rail of claims 1, 3, and 8 with a ring inserted therein and fitted using a spring or resilient member, since the circular holes of the '310 patent for fitting shafts 24 or pipe shafts 30 present disadvantages in assembly, in that the circular shafts of the hinge of the '310

patent have to be force-fitted into the circular holes. The claimed invention obviates such disadvantages by having elongated reception guide rails which provide leeway in fitting the rings therein without a force-fit during assembly, yet providing a fitting engagement using a spring or resilient member, as in the present invention.

Further, one having ordinary skill in the art would not look to the '310 patent for a cylindrical bush having wave projections which engage a projection bar, as in the subject matter claimed in claim 1. The '310 patent requires an extra component, i.e. the spring member 38, independent of springs 32, 34, which spans the cover 2 and engages the wave cam 40 to provide a restoring force to the wave cam 40, as opposed to the implementation of restoring force by the projection bar engaging the cylindrical bush, as in the subject matter claimed in claim 1.

Besides implementing such restoring force with fewer components and reduced size, as shown in FIG. 6 of the present application, the subject matter of the claimed invention also uses components more efficiently in having springs 17 apply bias to the cylindrical bushes in engaging the projection bar 12. The

springs 34 of the '310 patent do not contribute to the restoring force used in opening and closing the cover.

The '273 patent does not cure the deficiencies of the '310 patent since the '273 also requires assembly of the hinge mechanism by a force fit of circular components into circular cavities, as opposed to using an elongated reception guide rail for facilitating assembly of the hinge mechanism, as in the subject matter of claims 1, 3, and 8.

Accordingly, claims 1, 3, and 8 are believed to be patentable over the '310 patent and/or the '273 patent, and reconsideration of the rejection is respectfully requested.

Claims 2, 4-7, and 9-13 depend from claims 1, 3, and 8, respectively, and so include the recitation of claims 1, 3, and 8, respectively. For the reasons set forth above, claims 2, 4-7, and 9-13 are believed to be patentable over the '310 patent and/or the '273 patent, and reconsideration of the rejection is respectfully requested.

Since claims 1-13 are now believed to be patentable over the art of record, reconsideration of the rejection is respectfully requested.

Entry of the present amendment and early and favorable consideration of the present application and allowance of all pending claims are respectfully requested.

Should the Examiner believe that a telephone or personal interview may facilitate resolution of any remaining matters, it is requested that the Examiner contact applicant's undersigned attorney.

Respectfully submitted,

Frank Chau
Reg. No. 34,136
Attorney for Applicant(s)

DILWORTH & BARRESE
333 Earle Ovington Blvd.
Uniondale, New York 11553
(516) 228-8484
FAX: (516) 228-8516

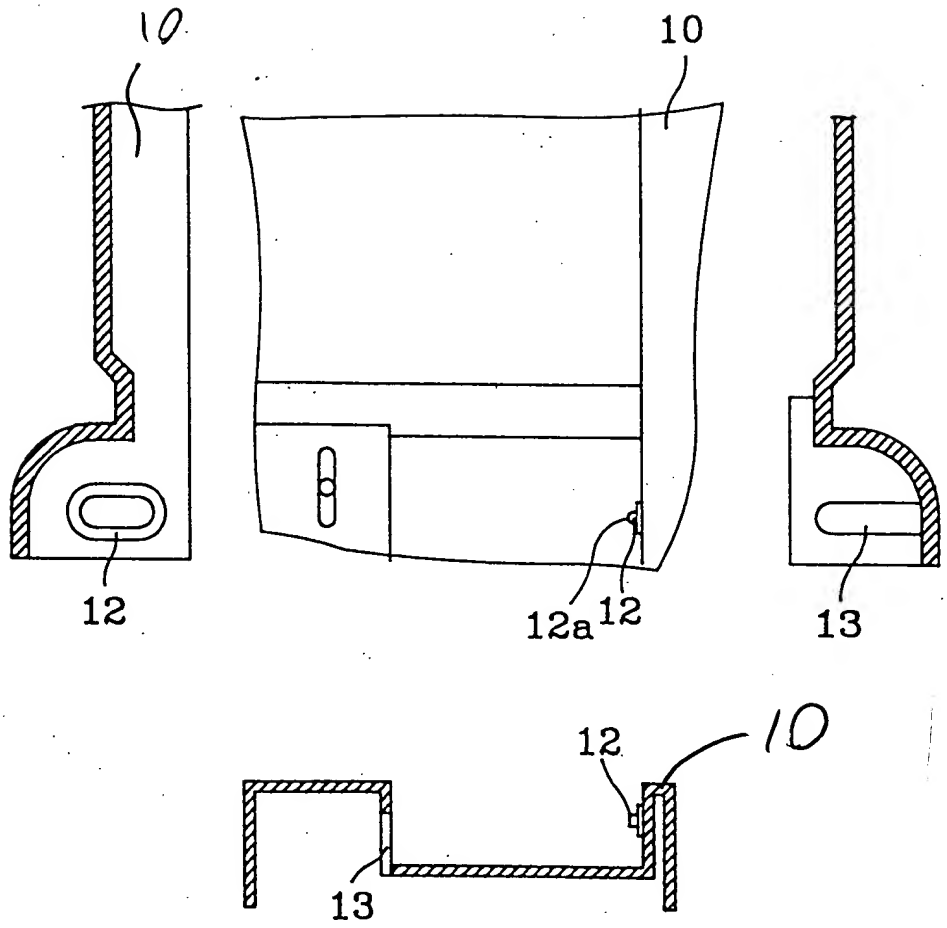

Fig. 5